

The opinion in support of the decision being entered today  
was **not** written for publication in  
and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** THOMAS A. FINDLEY

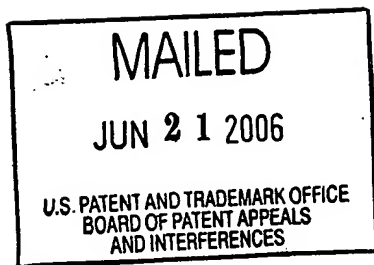
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Appeal No. 2006-1175  
Application No. 10/782,023

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ON BRIEF

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Before OWENS, BAHR, and FETTING, **Administrative Patent Judges.**  
FETTING, **Administrative Patent Judge.**

**DECISION ON APPEAL**

This is a decision on appeal under 35 U.S.C. §134 from the examiner's final rejection of claims 1 to 3, which are all of the claims pending in this application.

We AFFIRM.

## BACKGROUND

The appellant's invention relates to a method of verifying a purchase's legitimacy. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method for partially verifying the legitimacy of a remote purchase request based on a card number from a card issuing financial institution, comprising:
  - (a) receiving and storing a first purchase request information set including an electronic origin and a card number; and
  - (b) sending said electronic origin and said card number to said card issuing financial institution to determine if said origin matches an origin on file for said card number at said card issuing financial institution.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Perlman	5,862,220	1/19/1999 (filed 6/3/1996)
Tetro et al. (Tetro)	6,095,413	8/1/2000 (filed 11/17/1997)

Claims 1-3 stand rejected under 35 U.S.C. § 103 as being unpatentable as obvious over Tetro in view of Perlman.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellant regarding the above-noted rejection, we make reference to the examiner's

answer (mailed 11/4/2005) for the reasoning in support of the rejection, and to appellant's brief (filed 10/11/2005) for the arguments thereagainst.

## OPINION

In reaching our decision in this appeal, we have given careful consideration to appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations that follow.

### **Claims 1-3 rejected under 35 U.S.C. § 103 as being unpatentable as obvious over Tetro in view of Perlman.**

Tetro teaches receiving and storing a purchase request including a card number and address and social security information that are sent to the card issuing financial institution to determine whether they match those on file:

These as well as additional objects and advantages of the present invention are achieved by providing a method and system for **authorizing an electronic credit card transaction** having enhanced measures for detecting fraudulent transactions. A user at a remote terminal, such as a telephone or personal computer, attempting to conduct an electronic credit card transaction is prompted by the automated electronic credit card processing system to input the user's **credit card information, address, and social security number**. The information input by the user is **retrieved and used for identification purposes**. Initially, the input credit card information is **communicated to an issuer of the user's credit card to determine whether the input credit card information is valid**. Once the credit card information is validated by the issuer, the social security number input by the user is checked to determine if it corresponds to the user. [See col. 2 line 63 to col. 3 line 11] (emphasis added)

Tetro goes on to also collect the electronic origin of the purchase request

As a further fraud detecting measure, the electronic credit card processing system may **collect the phone number from which the remote terminal is communicating**. The **collected phone number is compared** with a stored list of blocked phone numbers which are not authorized to perform electronic credit card transactions. The electronic credit card transaction could then be rejected if the collected phone number matches any of the blocked phone numbers on the stored list. [See col. 3 lines 38-47] (emphasis added)

Perlman similarly teaches accessing a phone number from a purchaser, but also tests that the phone number matches that expected for the holder of a WebTV type box. [See col. 13 lines 26-49]

The appellant argues that: neither Tetro nor Perlman show matching an electronic origin (the phone number) to the card number issuer; that Tetro fails to address the electronic origin and that Perlman only matches an electronic origin to a box [See Brief at p. 3]; that the rationale for checking the phone number against the card number is not suggested by either Perlman or Tetro [See Brief at p. 4]; and that even a combination of Perlman and Tetro would fail to notify the merchant of whether the card number and electronic origin match [See Brief at p. 5]

As shown above, we note that Tetro shows matching a card number at the card issuer with information that identifies the card holder, such as address and social security number. Tetro also shows that the phone number is automatically collected. We note that the phone number is identified in the specification as an embodiment of the claimed electronic origin. [See Specification p. 5] Perlman shows that such a number may be compared to that of the billed party for security purposes. Given that Tetro shows sending information identifying the billed party to the card issuer, and both Tetro and Perlman show that the phone number is an instance of information identifying

a billed party, it would have been obvious to one of ordinary skill in the art to have sent all of the verifiable information that was on hand at the vendor regarding the billed party to the card issuer for the same reason it sent any of that verifiable information to the issuer, i.e. to have assurance regarding the identity of the party making the transaction. As we have shown above, Tetro does address the electronic origin by capturing the phone number. Although Perlman matches the phone number to a box identifier, this serves substantially the same purpose as comparison to a credit card, in that it compares the phone number to the billed party, i.e. both the credit card number and box identifier are identifiers of the billed party. As to the rationale for the modification, that is not in the claim, and so whether Perlman or Tetro match the rationale is therefore not relevant to the question of obviousness. It is well settled that, as long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does not require that the references be combined for the reasons contemplated by the inventor. See *In re Beattie*, 974 F.2d 1309, 1312, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992). And as to the combination of Perlman and Tetro, because Tetro has the card issuer notify the merchant of a mismatch, the combination would also result in a communication of a mismatch.

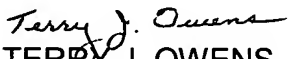
Thus, none of the arguments advanced by the appellants are persuasive in light of the evidence of obviousness provided by Perlman and Tetro. Accordingly, we **sustain** the examiner's rejection of claims 1-3 as rejected under 35 U.S.C. § 103 as being unpatentable as obvious over Tetro in view of Perlman.

CONCLUSION

To summarize, the rejection of claims 1-3 under 35 U.S.C. § 103 as being unpatentable as obvious over Tetro in view of Perlman, is **sustained**.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

  
TERRY J. OWENS  
Administrative Patent Judge

  
JENNIFER D. BAHR  
Administrative Patent Judge

  
ANTON W. FETTING  
Administrative Patent Judge

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Application No. 10/782,023

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